

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

UNITED STATES OF AMERICA) CRIMINAL ACTION NO.
) 2:21-cr-061-1
vs.)
)
RAMZI KORI,)
Defendant.)

SENTENCING
Monday, March 28, 2022
Burlington, Vermont

BEFORE:

THE HONORABLE CHRISTINA C. REISS,
District Judge

APPEARANCES:

JONATHAN A. OPHARDT, ESQ., U.S. Attorney's Office, 11 Elmwood Avenue, 3rd Floor, P. O. Box 570, Burlington, VT 05402-0570, Counsel for the Government

BROOKS G. McARTHUR, ESQ., Jarvis, McArthur & Williams, 95 St. Paul Street, Suite 2E, P. O. Box 902, Burlington, VT 05402, Counsel for the Defendant

JENNA BRACE, U.S. PROBATION

RAMZI KORI, DEFENDANT

Johanna Massé, RMR, CRR
Official Court Reporter
P. O. Box 5852
Burlington, VT 05402
802-951-8102 | 802transcripts@gmail.com

1 Monday, March 28, 2022

2 (The following was held in open court at 10:06 AM.)

3 COURTROOM DEPUTY: Your Honor, the matter before the
4 Court is criminal case number 21-CR-61-1, United States of
5 America vs. Ramzi Kori. Representing the Government is
6 Assistant United States Attorney Jonathan Ophardt; present with
7 the defendant is his attorney, Brooks McArthur; and we are here
8 for sentencing.

9 THE COURT: Good morning. I have read your sentencing
10 memoranda and the presentence report.

11 And let me make sure, Mr. Kori, you have read the
12 presentence report as well.

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: And have you had an opportunity to discuss
15 it with your attorney?

16 THE DEFENDANT: Yes, your Honor.

17 THE COURT: Are there any factual errors in it?

18 THE DEFENDANT: No, your Honor.

19 THE COURT: Do you agree with that, Mr. McArthur?

20 MR. MCARTHUR: I do, your Honor.

21 THE COURT: How about from the Government's
22 perspective? Any factual errors in the presentence report?

23 MR. OPHARDT: No, your Honor.

24 THE COURT: The Court adopts the presentence report as
25 its findings of fact in this matter.

1 I noticed something in the presentence report, and it
2 probably did not strike you the way it surprised me. But in
3 paragraph 49, it talks about a 2021 presentence investigative
4 report. That's the New York one. So I just wanted to make
5 sure we didn't have a previous one, and you probably knew that
6 was the New York one.

7 MR. McARTHUR: That's correct, Judge.

8 THE COURT: Yes. And you knew that as well, Mr.
9 Ophardt?

10 MR. OPHARDT: Yes, Judge.

11 THE COURT: Okay. I don't believe we have any
12 guideline issues. Everybody agree on that? We have a
13 forfeiture provision in the plea agreement at paragraph 15 but
14 no guideline issues?

15 MR. McARTHUR: There's none from our perspective,
16 Judge.

17 MR. OPHARDT: Judge, no guideline issues, and the
18 forfeiture has been handled administratively, so we don't need
19 to do anything today.

20 THE COURT: Okay. Perfect.

21 Sometimes I tell you some of the things that I am thinking
22 about before I hear your sentencing arguments, and you should
23 feel free to push back on them. You should also make sure that
24 you tell me what you want to tell me, and you don't need to
25 just address what's troubling me.

1 Mr. Kori is very young. He has many community supporters
2 and family supports. A lot of people had very nice things to
3 say about him. I have no reason to believe those things aren't
4 true.

5 He has behaved himself throughout his incarceration, which
6 we don't always see. It seems like he is being helpful to
7 other people while incarcerated.

8 On the other side of the ledger, this was not a onetime
9 mistake. This was drug dealing that went on for some period of
10 time. He had approximately \$58,000 in bank accounts. At the
11 time he had almost 7,000 bags of fentanyl. He got stopped in
12 New York with a firearm, digital scale with cocaine residue,
13 cocaine residue on a metal spoon, cash that he shouldn't have
14 had because he was unemployed. He gets arrested.

15 Four months later he gets arrested again, same fact
16 pattern: loaded firearm, ammunition, money he shouldn't have,
17 fentanyl, and he is in what I guess I wouldn't call, but his
18 co-defendant's car, and that's the Land Rover, and the
19 co-defendant is actually making a statement as an employer. I
20 just -- I've never seen that before. And there seems to be a
21 connection with other people who are drug dealing in the
22 community. I couldn't tell where Mr. Kori fit in between
23 Joshua Preston, Alen Kadic, and Gregory Lewis. Was he at the
24 top of the pile; was he in the middle of the pile? Because
25 those people will be sentenced soon.

1 So my concern was the first arrest should have been a big
2 wake-up call. It does not seem to have anything to do with
3 COVID. It was not during COVID that it happened that I can
4 see. And the second arrest coming right on the heels with the
5 loaded firearm a second time, that's really concerning to me.
6 So whatever happens, it would really need to be the end of drug
7 dealing for Mr. Kori, because having this happen twice at that
8 magnitude in such a short amount of time is a really bad fact
9 pattern.

10 So those are some of the things that are troubling me.

11 I'm going to start with you, Mr. McArthur.

12 MR. McARTHUR: Thank you, Judge.

13 So I'm going to rely primarily on my sentencing memo,
14 which I know the Court has read thoroughly.

15 Let me just address a couple of the Court's issues, and
16 what the Court has indicated today comes as no surprise to us.
17 From our perspective, you know, this is a really tragic and
18 baffling and bizarre case where we have a young man who has so
19 much support in the community, as the Court can see, who has
20 overcome significant obstacles in his life, was truly on a
21 trajectory to achieve probably really great things
22 academically, hopefully professional success as well, who
23 understands the value of hard work because he learned that at
24 home - that's been modeled for him - and then engaging in
25 really troubling, dangerous criminal behavior and then picking

1 up this charge so quick in time after the New York charge.

2 Mr. Kori and I have spent a lot of time talking about
3 that. You'll hear from Mr. Kori. You're not going to hear
4 from Mr. Kori today, Judge, because he's really given great
5 thought to this, that he didn't know better after New York.

6 THE COURT: Or even before then.

7 MR. McARTHUR: Or even before. Frankly, he didn't
8 think he'd get caught. And he now recognizes -- I mean, this
9 has been a scary time for him. He's a young man. He's been in
10 jail. He's been in jail for eight months. He's followed all
11 the rules. He recognizes that he did get caught, and he
12 understands the true magnitude of what that means.

13 Let me just go back a little bit. I think that New York
14 case happened in August. The arrest happened in August of
15 2020. And I think for Mr. Kori the structure in his life when
16 he was at Castleton and then ultimately getting transferred to
17 UVM, I think that started to fall apart in March-April of 2020
18 when COVID really hit and things started to get shut down, and
19 I think what happened here was you have a young man who really
20 has a high intellect, who needed that structure, didn't have
21 that structure any longer, and there was, frankly, an allure of
22 easy money in his mind, and he took the wrong path.

23 THE COURT: Here's -- so I -- first of all, you made a
24 reasonable sentencing recommendation, and you're taking a
25 reasonable approach, which I think is great. My concern is,

1 unlike some of the people who wrote letters, this is not a
2 one-off. This is not something that happened -- this is not a
3 bad day or a bad week. This is a prolonged course of conduct
4 on the wrong path. You don't get up to 7,000 bags without
5 working your way up to it. So what was going on in terms of
6 the thought process and accessing kind of community supports
7 while this is all going down? I mean, I don't know. Did he go
8 to Miami with the Rolls-Royce? Why are people not noticing any
9 of this?

10 MR. McARTHUR: That I don't know, Judge. And we're
11 certainly not suggesting this is a one-off or even a two-off.

12 THE COURT: Okay.

13 MR. McARTHUR: And Mr. Kori isn't, either, and I don't
14 want the Court to think we're minimizing. Just the opposite.
15 We're coming in to court today saying he really did terrible
16 things. We're just trying to reconcile that tension in our
17 mind between who we know he really is versus these terrible
18 things, who is he, and we really think the balance tips in
19 favor of a really smart young man who can get his life back on
20 track.

21 You're going to hear from Mr. Kori, Judge, and those are
22 all questions that we know are coming, he knows are coming, so
23 I invite you to ask Mr. Kori those questions. But I think what
24 we're trying to reconcile here is: How do we hold him
25 accountable at a high level? We're not asking for a

1 time-served sentence.

2 THE COURT: No, you're not.

3 MR. McARTHUR: You know, we know, Mr. Kori knows the
4 behavior he engaged in, he can never do that again. We don't
5 accept that as a society. We don't accept that, Judge. I
6 suspect Mr. Kori knows that as well. We just don't want to
7 lose him. And that's our concern. He's got to be held
8 accountable. He knows he's going to be held accountable. He
9 still has to deal with the state of New York. You know, as the
10 judge knows, there's a detainer there, and they're going to --
11 they're going to adjudicate him on a violation of probation.
12 So we don't know what's going to happen there.

13 But what I would suggest is that the 30 months we've asked
14 for is -- is appropriate in that we also don't want him to
15 spend too much time in jail. We're trying to save him, to a
16 certain extent. I mean, he's got to want this more than
17 anybody else, obviously, but I think your Honor is right that
18 this case, there's so much good; there's a lot bad. And where
19 does the balance tip, and how do we hold him accountable?

20 And when we work through these issues, clearly the -- I
21 mean, getting arrested in Vermont so quick in time after the
22 New York incident is devastating. This isn't an aberration.
23 And what Mr. Kori will tell you, and, frankly, I've been
24 impressed with his honesty, he's not going to tell the Court
25 that he didn't know better, that being put on probation in

1 New York wasn't the wake-up call he needed. He didn't think
2 he'd get caught. And I think that level of really deep
3 thinking, we know he's thinking about this. We know he's not
4 here to try to persuade the Court that this was the incident
5 that really had him -- a wake-up call. He's spent time day --
6 I talk with him regularly. He spends time thinking about how
7 to get his -- how to get his life back on track, and that's
8 really his goal.

9 So like I said, I'll rely on my sentencing memo, but we do
10 invite you to speak with Mr. Kori.

11 THE COURT: I will. A couple questions. I assume you
12 want me to impose the sentence concurrent to any state-imposed
13 sentence to avoid unanticipated consequences?

14 MR. McARTHUR: That is my request, Judge. That is my
15 hope the Court will do that. Now, as I understand it, he's in
16 primary federal custody right now, and I would hope that the
17 Court would run it concurrent. I just don't know, because he's
18 in primary federal custody, if it's the federal court that
19 needs to run it concurrent or if it's the state court, but if
20 this court has any control over that at all, I would ask that
21 it be concurrent.

22 THE COURT: If the Court says nothing, it can be
23 problematic. If I say consecutive, if they do a split
24 sentence, that can be problematic. Sometimes it amounts to
25 somebody not getting punished in two jurisdictions, but until

1 somebody figures out a way to fix that particular issue, it's
2 what happens.

3 Let me ask you also, where do you think he fits in with
4 the Joshua Preston, Alen Kadic, and Gregory Lewis group of
5 people?

6 MR. McARTHUR: Judge, on the spectrum of culpability,
7 I would suggest that Mr. Kori is less culpable than Mr. Kadic,
8 less culpable than Mr. Lewis. I was unaware of Mr. Preston
9 until some of the discovery. I don't -- the Government may
10 have more information on Mr. Preston. But I think that Mr.
11 Kadic, Mr. Lewis are probably people that if my client had
12 stayed away from, we probably wouldn't be here today.

13 THE COURT: All right. Thank you.

14 Mr. Kori, do you want to make a statement on your own
15 behalf?

16 THE DEFENDANT: Yes, your Honor. Your Honor, I first
17 would like to thank you for having the opportunity and
18 privilege of expressing myself to you on my views and opinions
19 of myself and circumstances currently. I stand before you
20 today humble and contrite. Being incarcerated has given me
21 time to reflect on the wrongs I have done to land me in the
22 situation I'm currently in, and I take full responsibility for
23 my actions.

24 Incarceration has taught me that this is not the path I
25 want to be on. I've been utilizing and taking advantage of

1 programs being offered in jail in hopes of learning new skills
2 that I'll put to use once released. I've also been working on
3 plans and ideas to help change and affect my community in a
4 positive way.

5 They say a fool learns from his own mistakes and a wise
6 person learns from other people's mistakes. I say this in the
7 hopes that everyone stays wise and learns from my mistakes.
8 There's nothing good about having federal charges and being in
9 jail. I regret that I will never be able to get the time back
10 that I have lost in both my personal life and time with my
11 family and friends.

12 I want to thank everyone who has been supporting me
13 throughout this journey. It means the world to me. During
14 times like these, you find out who is really there for you. I
15 will forever be grateful for those who stood by me. I'll
16 continue to learn from this experience and become a better
17 version of myself. I will never allow my past to hinder my
18 future. I will persevere and overcome this. I look forward to
19 proving to myself and family that I have learned from my
20 mistakes and am able to lead an honest life that I will be
21 proud of.

22 My plan after my incarceration is to head back to college
23 to earn my degree. I feel like getting my education is
24 essential to my success going forward, and I consider it my top
25 priority while I'm incarcerated and due to me being

1 rehabilitated back into the community. A wise man once told me
2 to start where I stand. Procrastination is a cousin of
3 failure.

4 I'm eager to reunite with my family and further my
5 education. I'm fully aware that the educational opportunities
6 are limited in prison, so when I am given the opportunity, I
7 will take full advantage of the things that I once took for
8 granted.

9 During my detention, I've had the time to take a full
10 introspection of myself and have realized the tumultuous
11 decisions I have made and suffering ignominious failure. I
12 also realize it's not how you start but how you finish and how
13 you respond when faced with obstacles in life. I feel obliged
14 to overcome my current circumstances, and I will do just that
15 after you sentence me today. I promise you, myself, as well as
16 my family that I will exceed my full potential. I look forward
17 to persevering through this time in my life and come out on the
18 other side with a renewed positive perspective on my life.

19 I want to thank the Court for their time today and those
20 that came to support me. Thank you, your Honor.

21 THE COURT: Do you mind if I ask you some questions?

22 THE DEFENDANT: Um-hum.

23 THE COURT: So everybody gets into trouble kind of
24 their own way. So a situation that I might get into trouble
25 with wouldn't be a problem for you. And sometimes people tell

1 me, "I don't do well when I have too much time on my hands," or
2 "I'm a greedy person, and I wish I wasn't, but when I see
3 somebody who has something that I want, I want it," or "I'm a
4 follower, and if somebody's got a bad idea, that's what -- you
5 know, I'll go along with it," or "I thought I could get away
6 with it, and so I wanted to see how much I could get away
7 with."

8 How do you think you got into trouble this time?

9 THE DEFENDANT: As Brooks said earlier, I thought I
10 would be able to get away with it.

11 THE COURT: Do you feel like -- so getting away with
12 it, I mean, you already got kind of a heads-up that you weren't
13 going to get away with it, and then it continued. And it's not
14 only drug dealing; it's firearms. Was there any kind of, like,
15 stop sign in your head or was there anything that made you
16 think that maybe this isn't a good idea? You know, was there
17 anything causing you any hesitation, or how did you think it
18 was all going to unravel?

19 THE DEFENDANT: At the end of the day, I already knew
20 that, what comes with it, the end result, but I still took the
21 risk, but I knew the consequences for it.

22 THE COURT: Are you a risk taker?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: So I'm asking these nosy questions because
25 the people I know who've really turned it around, they know how

1 they get into trouble, and if you know how you get into
2 trouble, you've got a better idea of how to avoid it. And
3 everybody's got something that's likely to get them in trouble,
4 and sometimes it's entitlement or arrogance or recklessness or
5 impulsivity or criminal thinking, and it sounds like you're a
6 risk taker. Are you somebody that doesn't really think about
7 consequences and puts that off for a later time to think about?

8 THE DEFENDANT: Somewhat.

9 THE COURT: Somewhat? What do you think -- why do you
10 think you got into this?

11 THE DEFENDANT: I can't really say for sure why,
12 but --

13 THE COURT: Was it easy money? Was it --

14 THE DEFENDANT: Yeah. Because easy money and -- yeah,
15 probably because it's easy money and don't have to work that
16 hard for it.

17 THE COURT: Some people find the lifestyle seems
18 glamorous at first. Did that attract you?

19 THE DEFENDANT: Yes, your Honor.

20 THE COURT: It's really good to kind of dig down and
21 see, What did I think about -- what was attracting me to this,
22 because that's -- those temptations are going to be out there
23 again and people know how to find people who have those
24 interests and get them into more trouble. So there will be
25 people who seek you out and say, "Okay. He's already been in

1 trouble. Maybe he'll be interested in this." And you're going
2 to need to know what is it about you that's attracted to it,
3 how are you going to avoid it, what are you going to do in the
4 future.

5 Do you have a plan? I like the education piece, but are
6 you going to keep busy? Are you going to keep working? What's
7 going to keep you out of trouble in the future?

8 THE DEFENDANT: Yeah, go to school, try and find a job
9 that will keep me busy and occupied instead of having a lot of
10 free time.

11 THE COURT: Okay. That's a good idea. Are you
12 willing to be pretty humble in a job and work your way up?

13 THE DEFENDANT: Yes, your Honor.

14 THE COURT: Okay. Anything else that you want to say
15 before I turn to the prosecutor?

16 THE DEFENDANT: No, your Honor.

17 THE COURT: All right. Thank you. That was helpful.

18 MR. OPHARDT: Thank you, Judge.

19 First, I will readily admit I could have done a better job
20 in my memo of laying out the connection between these folks,
21 and I'll verbally do that today for the Court.

22 Sometimes we find a drug investigation and we're looking
23 for the conspiracy because that's federal court, right, drug
24 conspiracies. We don't just try to do one-off cases. And here
25 we found a lot of interconnection and interdependence without

1 really an agreement. So we have a relationship between Mr.
2 Preston and Mr. Lewis that was a buyer-seller relationship.
3 That also is what existed between Mr. Preston and Mr. Kori, a
4 buyer-seller relationship. But Mr. Lewis and Mr. Kori weren't
5 co-conspirators. I think they were, frankly -- one dealt a
6 different substance. Mr. Lewis was a cocaine dealer; Mr. Kori
7 was dealing fentanyl-laced heroin. I think that they were in
8 competition and they were kind of competing associates.

9 Mr. Kori is wired for competition. He was a highly
10 competitive athlete who found a lot of personal achievement and
11 purpose in competing in soccer, and I think that that is what
12 really drove him with Mr. Lewis. This was a competition for
13 money and lifestyle and status within a drug dealing culture
14 that Mr. Lewis, I think, had much more experience with than Mr.
15 Kori.

16 THE COURT: How old is Mr. Lewis?

17 MR. OPHARDT: He is older. I believe he's late 20s,
18 if memory serves.

19 THE COURT: And was it his Rolls-Royce and did they go
20 to Miami together?

21 MR. OPHARDT: They definitely went to Miami together
22 based on Mr. Kori's financials as well as Mr. Lewis'. I don't
23 know where the Rolls-Royce picture came from. My guess is
24 that's a rental. It's a very posed shot. When I was in high
25 school, there was Glamour Shots, and they were pretty painful.

1 I would put it in that category of "rent a car, pose on it, get
2 a picture" type deal.

3 Mr. Lewis doesn't have a Rolls. He definitely was driving
4 a nice BMW in somebody else's name. He's been in the drug game
5 for pushing a decade before he was arrested, and his arrest is
6 really what kind of sprung this all off. Mr. Preston, it's
7 pretty obvious, was the CI for Mr. Lewis' prosecution and --

8 THE COURT: Where does Mr. Kadic fit into it? Because
9 he sent a letter from the employer, which was kind of
10 eye-popping, and it was his Land Rover that was stopped, and I
11 assume they were trying to find him and it was Mr. Kori.

12 MR. OPHARDT: Judge, to back up, Mr. Lewis' house gets
13 raided in March of '21, and I'll point that out as well from
14 Mr. Kori's perspective, he had to have been aware of that
15 because Mr. Lewis was detained, and I know that Mr. Kori and
16 Mr. Lewis' girlfriend were pretty close and they were in
17 communication after that arrest.

18 So that happened, and we didn't know about Mr. Kadic at
19 all, and we tried to figure out his role. And when I don't
20 have witnesses or really good messaging telling me what's
21 happening, I look at finances. Mr. Kadic's finances are a
22 disaster. He's a businessman who has been circling the drain
23 and trying to get things back on track while highly leveraged
24 in building two town houses in Colchester right on the
25 Winooski-Colchester line. Clearly desperate for cash. He is

1 not the financier of a large drug organization.

2 Mr. Lewis was living in his house because he needed a
3 tenant to pay the bills, and he moved into the basement and
4 Lewis was living upstairs. He had a very bad coke habit. He's
5 an immigrant from Bosnia who has basically a general contractor
6 business and is recently divorced from his wife at this time,
7 and things are unraveling. I don't view him -- and I'm
8 interested -- I would be very interested to hear but have never
9 heard how he could be above Mr. Kori in culpability. He was
10 desperate for cash, but he's not the one who's, I think,
11 financing anything, from what I can tell.

12 I think Mr. Lewis is really in a lot of ways the impetus
13 behind the criminal conduct going on in his house and also, I'm
14 sure, a horrible influence on Mr. Kori. I would put him as the
15 experienced mentor in the drug world, if you will, for Mr.
16 Kori.

17 But Mr. Kadic, it's been filed, he's been offered a
18 misdemeanor plea in lieu of the drug user in possession of a
19 firearm charge, and I have no witnesses who put him as kind of
20 a ringleader of sorts for this group.

21 THE COURT: Let me ask you, Mr. Kori was caught with
22 almost 7,000 bags of heroin laced with fentanyl, and that's not
23 a first-time event. You don't start out with 7,000 bags.
24 What's the street value, if you know, of those 7,000 bags?

25 MR. OPHARDT: A hundred bags would go for -- which is

1 normally -- well, ten bags would be a bundle. Ten bags would
2 normally go for about 100, \$120. The Court knows I'm horrible
3 at math. So if you did 7,000 bags divided by 10 is 700 times
4 \$100, that's going to be your -- I'm looking at the probation
5 officer. Maybe she's better at math than me. So \$100 a bundle
6 would be cheap. 120 we could see, especially the further you
7 get from Burlington; sometimes as low as 80.

8 So if the Court would indulge me with pen and paper. So I
9 think we're at about \$70,000 street value. That's not the cost
10 to buy them, right?

11 That's -- the pattern we always see, folks drive down to
12 western Mass because it's a lot cheaper to buy down there in
13 bulk and be the transporter to pull them up into a higher
14 dollar market. But certainly there was capital needed, but,
15 you know, Mr. Kori, as based on witness statements and his own
16 finances, had been doing this for well over a year and had his
17 own capital, but he, I'm sure, was reinvesting in the illicit
18 business.

19 THE COURT: All right. Because he had about 58,000
20 and change in the bank. All right. So did he have a small
21 customer base? Was that the business model?

22 MR. OPHARDT: He was -- from what I can tell, your
23 Honor, he was selling primarily bulk to other redistributors.

24 THE COURT: Okay.

25 MR. OPHARDT: So, you know, Mr. Preston was the one

1 doing a lot of distros in a day, and that's why he was buying
2 larger quantities from Mr. Kori, who wasn't dealing as much
3 with the individual customers who purchased more frequently.

4 THE COURT: And tell me what you know about the
5 firearm piece, because I think a lot of people think that
6 everybody who comes to federal court has a firearm, but -- but
7 you and I know that, actually, that's an aggravating factor and
8 there are plenty of people who drug deal without loaded
9 firearms.

10 MR. OPHARDT: Yes, your Honor. Plenty of people
11 transport without firearms as well. And it is a -- certainly a
12 reason why this became a federal matter. And as the Court's
13 aware and I know defense counsel's aware, this could have been
14 easily a five-year mandatory minimum case. The gun and the
15 drugs were clearly coexisting in that front seat area for a
16 reason, which was to protect during transportation, which is
17 use of a firearm in furtherance of drug trafficking.

18 This is different in that we have no indications
19 whatsoever of violence associated with Mr. Kori's drug
20 trafficking, that that firearm was ever displayed to anyone or
21 that that firearm was ever used in an aggressive manner. This
22 is an instance where I think it was insurance if he got
23 confronted. Violence follows drugs and leads to people needing
24 to defend themselves when they're confronted, and that's why
25 guns and drugs are such a horrific combination.

1 I don't have much more information on that firearm. I
2 don't recall the trace off the top of my head.

3 THE COURT: It's a semiautomatic.

4 MR. OPHARDT: Yes, your Honor. It was loaded. There
5 was not one in the chamber.

6 THE COURT: And it's a different one than I assume he
7 got stopped in New York with.

8 MR. OPHARDT: Yes, your Honor.

9 THE COURT: Okay. All right. And you are asking for
10 51 months?

11 MR. OPHARDT: That is the bottom of the guidelines,
12 your Honor. We do believe that that's appropriate, especially
13 given the defendant's status of probation at the time. He was
14 under court supervision. I'll reference again Mr. Lewis' own
15 arrest should have been a wake-up call to Mr. Kori. They were
16 close enough that he should have realized that folks were going
17 to be looking for him. He may not have been caught in July of
18 2021. This was a very odd situation. I did not know of Mr.
19 Kori's existence, and I don't think many -- I'm not sure if
20 anyone in law enforcement knew of his criminal dealings in
21 Burlington at the time of that traffic stop when we were
22 looking for Mr. Kadlec.

23 THE COURT: Well, that's why I asked about the pattern
24 of drug dealing, because it didn't sound like he had come to
25 somebody's attention because he had a large traffic of people

1 coming in, and yet the money suggests a high volume. So it
2 makes sense that this is almost a wholesale business to other
3 dealers.

4 MR. OPHARDT: Correct, your Honor. But I would point
5 out that I think in a lot of ways this was a fortuitous event
6 for Mr. Kori, because as the Court knows, the more drugs that
7 are dealt, the higher the sentence will be and the greater the
8 likelihood that that firearm would have been needed in a
9 violent confrontation the longer he's dealing drugs and he's
10 living a flashy lifestyle. He becomes a robbery target.

11 Hopefully this is the moment that everything turns around,
12 and there is a lot of reason for hope, both sitting in the
13 courtroom, the letters that you've received, the person who he
14 is, based not just on statements that the Court hears a lot in
15 sentencing, based on his track record with education and being
16 an important part of his community.

17 We know he's coming back to Vermont when he's released, in
18 all likelihood. I would encourage him to consider engaging in
19 Judge Doyle's reentry court because he needs stability when he
20 gets back and build on those good connections that are here and
21 not fall back into the competition with someone like Greg
22 Lewis.

23 THE COURT: All right. Thank you.

24 Mr. McArthur, I'll give you the last word.

25 MR. McARTHUR: Judge, we have nothing else to add.

1 THE COURT: All right. The Court begins with a
2 guideline calculation.

3 Pursuant to the decisions of the Supreme Court in *United*
4 *States vs. Booker* and *Gall vs. United States*, and the Second
5 Circuit Court of Appeals' decision in *United States vs. Crosby*,
6 in determining the following sentence, the Court has considered
7 the United States Sentencing Guidelines applicable in this
8 case, including all departure authority contained in the
9 guideline policy statements, as well as all the factors
10 enumerated in 18 USC, Section 3553(a).

11 The Court finds as follows:

12 The offense of possession with intent to distribute
13 heroin, in violation of 21 USC, Section 841(a)(1) and 841
14 (b)(1)(C), and the offense of felon in possession of a firearm,
15 in violation of 18 USC, Section 922(g)(1) and 924(a)(2),
16 occurred on or about July 6, 2021. Hence the Sentencing
17 Guidelines apply.

18 Counts 1 and 2 of the superseding information are grouped
19 pursuant to U.S. Sentencing Guidelines Section 3D1.2(c).

20 The guideline for this offense is found in Section 2D1.1
21 of the Guidelines Manual, November 1st, 2021, edition. The
22 offense involved at least 100 kilograms but less than 400
23 kilograms of converted drug weight, resulting in a base offense
24 level of 24 pursuant to U.S. Sentencing Guidelines Section
25 2D1.1(c)(8).

1 Specific offense characteristics apply. A dangerous
2 weapon, a firearm, was possessed; therefore, two levels are
3 added pursuant to U.S. Sentencing Guidelines Section
4 2D1.1(b) (1).

5 The defendant has demonstrated an acceptance of
6 responsibility for his offense. Therefore, his offense level
7 is reduced by three levels pursuant to U.S. Sentencing
8 Guidelines Section 3E1.1. The total offense level is 23.

9 The defendant has a total criminal history score of three,
10 resulting in a criminal history category of II. The guideline
11 range of imprisonment for an offense level of 23 and a criminal
12 history category of II is 51 to 63 months.

13 The guideline term of supervised release for Count 1 is
14 three years. The guideline term of supervised release for
15 Count 2 is one to three years. Since the applicable guideline
16 range is in Zone D of the Sentencing Table, the defendant is
17 ineligible for probation.

18 In addition to the Sentencing Guidelines, the Court
19 considers the factors set forth in 18 USC, Section 3553(a), in
20 an effort to impose a sentence that is sufficient, but not
21 greater than necessary. So sufficient, the punishment needs to
22 meet the crime, but not greater than necessary, not unduly
23 harsh or long because those sentences are available.

24 In deciding what is a sufficient, but not greater than
25 necessary, sentence, the Court considers the nature and

1 circumstances of the crime; your history and characteristics;
2 the need for the sentence imposed; the kind of sentences
3 available; the need to avoid unwarranted sentencing disparities
4 between defendants with similar criminal histories who've
5 committed similar crimes. So you should not get a sentence
6 that is substantially more lenient or more harsh than somebody
7 else in your criminal history category unless there's a reason
8 for it. And that's why I was asking the prosecutor where do
9 you fit in, how do you compare to these other people, who was
10 in charge, what were the relationships, because your sentence
11 should make sense when compared with those other people and
12 also make sense when compared to people elsewhere in the
13 country who've committed this same crime.

14 In deciding the need for the sentence imposed, the Court
15 is directed to reflect the seriousness of the offense; promote
16 respect for the law; impose just punishment; protect the public
17 from future crimes by you; impose what we call specific
18 deterrence, say to you, "Mr. Kori, don't do this. It has
19 consequences," and hopefully you'll be motivated, and also
20 general deterrence, say to the community, "These are deadly
21 drugs. They kill people. They ruin people's lives. Firearms
22 and drugs don't go together. They result in violence. People
23 have died. People get hurt. If you are doing these things and
24 you're a felon and you're not supposed to have any of those
25 things, you should have consequences, because the community's

1 having consequences."

2 The Court also needs to make sure that you have
3 rehabilitation, substance abuse/mental health treatment,
4 educational and vocational opportunities in the most effective
5 manner.

6 In this case, sometimes it helps to pull apart a crime and
7 talk about what's aggravating, what makes it worse, and what's
8 mitigating, what makes it less worse.

9 And I'll start with the mitigating. You're young. You
10 don't have a lot of criminal history. There's no indication
11 that you pointed a firearm at anybody or threatened anybody
12 with a firearm, and you didn't have a great deal of
13 sophistication about what you were doing. So you didn't set up
14 a little empire with people doing your bidding and dropping off
15 drugs and picking them up. Some people almost have a business
16 model. So those are the mitigators.

17 Aggravators outweigh the mitigators. You had loaded
18 firearms on two occasions. That is very unusual, especially
19 when somebody is just getting started. You kind of escalated
20 it right then and there by having a loaded firearm. And if you
21 think everybody who deals drugs uses firearms, you're wrong.
22 There are people who draw the line of, like, "Yeah, that's not
23 something I'm going to do." And you weren't drawing the line.
24 And even after you got caught, you still had a loaded firearm
25 with you.

1 You had very high quantity of drugs. This is a fraction
2 of what was really going on in this case. So the prosecutor's
3 right: You are lucky you got caught when you did as opposed to
4 letting this go on, because the drug quantities would have just
5 gone up from there, and as it is, this is a very conservative
6 estimate. 7,000, thereabout, bags of heroin laced with
7 fentanyl, that could be 7,000 people dead. And you would be
8 here with a death resulting, and you would not be getting any
9 kind of leniency and it would just be because the wrong person
10 took the wrong bag or took too much at the wrong time, and that
11 happens every day.

12 So this was really deadly activity, and you knew it. You
13 didn't do it because you had an addiction that you needed to
14 feed. You did it to make money and to live a flashy lifestyle,
15 and that's why you've got to really figure out what was the
16 temptation, what were you seeing that allowed you to shut off
17 everything else that you knew was good and true and right and
18 pursue this, because this game is deadly, people die, and it
19 ruins other people's lives.

20 Those people who are addicted to opiates, they're not
21 taking care of their kids or going to school or playing soccer.
22 They're chasing that drug. And some of those people will be
23 chasing that drug for the rest of their lives. So this is the
24 kind of crime that does a tremendous amount of damage to the
25 community, and you are just fortunate that nobody died from a

1 bag that you sold or that could be traced back to you.

2 Your history and characteristics. I have no reason to
3 doubt the nice things your family members and friends said
4 about you. A lot of the people have known you since you were a
5 child. They studied you day after day. You were in their
6 homes. They were in your home. They saw you in a multitude of
7 settings. If you were kind of a dyed-in-the-wool criminal,
8 that would have been apparent, at least to some of these
9 people.

10 So you've really got to dig down and how did things get so
11 far off track and how -- how are you going to make sure they
12 don't get off track in the future, and it's going to be really
13 important for you not to see yourself as the victim of your
14 circumstance. These are choices, and the good news about them
15 being choices is then you can make better choices. This is not
16 some -- something that happened by chance. This is a path that
17 you chose, and now you've got to unchoose it.

18 The worst thing that could happen in this case is what
19 happened in New York. The judge thought, "You know what? This
20 is a young guy. He's got a promising future. I'm going to
21 give probation. I'm not going to have any consequences. This
22 will be the wake-up call this person needs," and it wasn't.

23 So I am going to give you a lenient sentence. I think it
24 merits in this case. But if that's not your wake-up call, you
25 can spend the rest of your life in and out of jail. That's a

1 decision you're going to have to make right now: Is this
2 enough to get your attention? Have we gotten your attention
3 that this cannot continue? And then you're going to need to
4 know who are the people who are going to get you in trouble?
5 What does it look like when you're falling off into that kind
6 of arena, and what is it that you're going to do to avoid it?
7 Because it's going to be really important. We're going to
8 watch you really carefully on supervised release, and we're
9 going to hold you accountable.

10 For all of those reasons, the Court has determined that a
11 sentence of 36 months, with credit for time served, is a
12 sufficient, but not greater than necessary, sentence. I'm
13 going to follow it by a three-year term of supervised release
14 to keep you on track and to protect the community.

15 It is the sentence of the Court that the defendant be
16 committed to the custody of the Federal Bureau of Prisons for a
17 term of 36 months, with credit for time served, on each count,
18 concurrent, and concurrent to any state-imposed sentence in
19 New York, to be followed by a three-year term of supervised
20 release.

21 The conditions of supervised release are as follows:

22 You must not commit another federal, state, or local
23 crime.

24 You must not unlawfully possess a controlled substance.

25 You must refrain from any unlawful use of a controlled

1 substance. You must submit to one drug test within 15 days of
2 release from imprisonment or placement on probation and at
3 least two periodic drug tests thereafter, as determined by the
4 Court.

5 You must cooperate in the collection of DNA as directed by
6 the probation officer.

7 You must comply with the standard conditions of
8 supervision adopted by this court. These conditions are
9 imposed because they establish the basic expectations for your
10 behavior while on supervision and identify the minimum tools
11 needed by probation officers to keep informed, report to the
12 Court about, and bring about improvements in your conduct and
13 condition.

14 You must submit your person; property; house; residence;
15 vehicles; papers; computers, as defined in 18 USC, Section
16 1030(e) (1); other electronic communications or data storage
17 devices or media; or office to a search conducted by a United
18 States probation officer. Failure to submit to a search may be
19 grounds for revocation of release. You must warn any other
20 occupants that the premises may be subject to searches pursuant
21 to this condition. An officer may conduct a search pursuant to
22 this condition only when reasonable suspicion exists that you
23 have violated a condition of supervision and that the areas to
24 be searched contained evidence of this violation. Any search
25 must be conducted at a reasonable time and in a reasonable

1 manner.

2 The guideline fine range is from \$20,000 to \$1 million.

3 The defendant has demonstrated an inability to pay a fine.

4 Hence all fines are waived.

5 A special assessment of \$200 is imposed, due immediately.

6 Both the defendant and the Government may have the right
7 to appeal this sentence as set forth in Title 18, U.S. Code,
8 Section 3742. If the defendant is unable to pay the cost of an
9 appeal, he has the right to apply for leave to appeal *in forma*
10 *pauperis*, in which event we would waive the cost of an appeal,
11 and he may request the Court to appoint counsel for him. If
12 the defendant so requests, the clerk of the court shall prepare
13 and file forthwith a notice of appeal on behalf of the
14 defendant. Notice of appeal by the defendant must be filed
15 within 14 days of the date judgment is entered on the docket,
16 pursuant to Rule 4(b) of the Federal Rules of Appellate
17 Procedure.

18 Mr. Ophardt, do you have something to dismiss in this
19 case?

20 MR. OPHARDT: Yes, your Honor. We'd move to dismiss
21 the underlying indictment.

22 THE COURT: And I assume there's no objection?

23 MR. McARTHUR: No objection, Judge.

24 THE COURT: It's dismissed.

25 Mr. McArthur, do you have any recommendations as to where

1 Mr. Kori serves his sentence?

2 MR. McARTHUR: Judge, I'd ask the Court to recommend
3 to the Bureau of Prisons that Mr. Kori serve his sentence as
4 close to Vermont as possible.

5 THE COURT: In the lowest security setting available?

6 MR. McARTHUR: The lowest, right. We've talked about
7 security classifications given the conduct and enhancements in
8 this case, so I think he's aware that his security level may be
9 a little higher, but as close to Vermont as possible.

10 THE COURT: The Court recommends the defendant be
11 incarcerated as close to Vermont as possible in the lowest
12 security setting available to him. This will facilitate his
13 contact with family and friends, with whom he is closely
14 bonded, and will facilitate his reentry into the community.

15 Mr. Kori, you will serve the sentence and you will come
16 out into the community, and that's your opportunity to show us
17 that you can turn it around. And for me, I look at behavior.
18 So especially when somebody's intelligent and eloquent like
19 you, sometimes it helps not to focus on that and look at what
20 they do.

21 You're going to find that the Probation Office is going to
22 help you succeed. That's their job. They're not gotcha type
23 of people. They want you to succeed. And if you reach out to
24 them and tell them that you're struggling, their job is to get
25 you back on track.

1 I also agree with the prosecutor that you might benefit
2 from our reentry court. That's just a little bit more
3 intensive, and it helps make sure that you have prosocial
4 connections and that you have full support so that you don't
5 reoffend, because if you come back with another case, it's just
6 not going to be a 36-month sentence. It's probably going to be
7 a mandatory minimum, or if it's not, it's going to be a much
8 higher sentence, and nobody wants that for you.

9 So good luck to you.

10 MR. McARTHUR: Thank you, Judge.

11 (Court was in recess at 10:53 AM.)

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C E R T I F I C A T I O N

15 I certify that the foregoing is a correct transcript from
16 the record of proceedings in the above-entitled matter.

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19 April 1, 2022

20 Johanna Massé, RMR, CRR

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